

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public services – T & A Department – Sri V. Rajesh Babu, Junior Accountant, Dist. Treasury, Nellore appointed on compassionate grounds – Acquired the Typewriting English Higher Grade qualification with a delay of 3 months 8 days – Condoned – Orders - Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Ms. No. 83

Dt. 27-3-2010

Read the following:

1. Orders of Hon'ble A.P.A.T. dt. 13-11-2007 in O.A.No. 4480 of 2003 filed by Sri V. Rajesh Babu,, Junior Accountant, Dist. Treasury, Nellore.
2. Orders of Hon'ble High Court dt. 17-8-2009 in W.P. No. 16142 of 2009 filed by the department.
4. Lr. No. A3/16066/2008, dt. 27-10-2008 and 7-10-2009 from the D.T.A., Hyderabad.

ORDER:

Sri V. Rajesh Babu, Junior Accountant, O/o. Dist. Treasury Office, Nellore was appointed as Junior Accountant on compassionate grounds on 26-11-1998. According to the orders issued in G.O.Ms.No.612, G.A. (Ser.A) Dept., dated 30-10-1991 the individual should acquire Typewriting higher in English within two years from the date of appointment and also to acquire the intermediate qualification within three years as per the orders issued in G.O.Ms.No.577, G.A. (Ser.) Dept. dt. 29-10-1993. As he could not acquire the said qualification within time, according to the orders issued in para 5 of G.O.Ms. No. 969, G.A. (Ser.A) Dept., dated 27-10-1995 the grace period of 2 more years were given to him for acquiring the Typewriting qualification i.e., upto 25-11-2002 only.

2. According to para 6 of G.O.Ms.No.969, dt. 27-10-1995, if the candidate concerned fails to acquire the requisite qualification of typewriting even within the extended grace period, then the individual may be considered for appointment to lower post such as an Attender as a fresh candidate after obtaining his willingness. If the individual is not willing to take the lower post it shall be treated that there are no compelling reasons of poverty and such candidate be discharged from service. As the individual failed to acquire the said qualification within the extended grace period i.e., 4 years the Deputy Director, Dist. Treasury, Nellore issued a notice in terms of para -6 of G.O.Ms.No.969, vide Memo.No.A2/2403/2001, dt. 7-4-2003 asking his willingness for lower post to that of Attender.

3. Aggrieved by the notice the individual has approached the Hon'ble A.P.A.T. in O.A.No.4480/2003 to continued as Junior Accountant as per the interim orders. The Hon'ble while disposing the O.A. ordered dt. 13-11-2007 as follows:

“Therefore, I allow this application and declare that the applicant acquired the qualification of Typewriting Higher Grade Examination in English within the stipulated time and he cannot be reverted as Attender. So, the impugned Memo. No. A2/2403/2001, dt. 7-4-2003 is set aside and the applicant should be continued as Junior Accountant and the interim order passed is made as absolute. VMA is dismissed.”

4. Against the said orders, the D.T.A., Hyderabad has filed W.P. W.P. No. 16142 of 2009. The Hon'ble High Court was pleased to dismiss the W.P. by observing as follows:

“13. It cannot be disputed that the appointment order of the respondent stipulates three years period for acquiring qualification and undisputedly the same is extended by two more years under later G.O. referred to above. The respondent undoubtedly has acquired the requisite qualification under the Certificate, dt. 2-10-2003, which was also noticed by the Tribunal. The respondent, therefore, having acquired the requisite qualification within five years period, it cannot be said to be liable for reversion as was sought to be done under the impugned order before the tribunal.

14. In so far as the second aspect of discrimination found in favour of the respondent, by the Tribunal is concerned, under G.O.Ms.No.783, dated

31-12-2001, several similarly situated persons were granted one time relaxation to acquire qualification and, therefore the respondent herein is also entitled for the said benefit. As such, we do not find any error warranting correction of findings recorded by the Tribunal.

15. The Writ petition is, therefore, devoid of merits and the same is accordingly dismissed. There shall be no order as to costs.”

5. In view of the orders of Hon’ble A.P.A.T . dt. 13-11-2007 passed in O.A. No. 4480 of 2003 filed by Sri V. Rajesh Babu,, Junior Accountant, Dist. Treasury, Nellore, confirmed by the Hon’ble High Court in W.P.No.16142 of 2008 by its order dt. 17-8-2009, it is decided to condone the delay of 3 months and 8 days in passing the Typewriting English Higher Grade examination and to regularize his services from the date of his initial appointment to the category of Junior Accountant i.e., 21-9-1998.

6. Government after careful examination of the matter hereby order to implement the orders of Hon’ble APAT dt. 13-11-2007 in O.A.No. 4480 of 2003 filed by Sri V. Rajesh Babu, Junior Accountant, Dist. Treasury, Nellore, confirmed by the Hon’ble High Court by its order dated 17-8-2009 by dismissing the W.P.No. 16142 of 2009 filed by the D.T.A., Hyderabad, by condoning the delay of 3 months and 8 days in acquiring the Typewriting English Higher Grade and to regularize his services in the category of Junior Accountant from the date of his initial appointment i.e., from 26-11-1998.

7. The D.T.A., Hyderabad is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM
PRL. SECRETARY TO GOVERNMENT (FP)

To
The individual
(through the DTA, Hyd.)
Copy to: The D.T.A., Hyd.

// Forwarded :: By Order //

SECTION OFFICER